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CHARTER

OF THE

UNITED STATES FREEHOLD LAND

AND

EMIGRATION COMPANY.

ACT OF CONGRESS, APPROVED JULY 8th, 1870.

New-York:
JOHN W. AMERMAN, PRINTER,
No. 47 CEDAR STREET.

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(DUPLICATE.)

FORTY-FIRST

CONGRESS OF THE UNITED STATES,

At the Second Session, begun and held at the City of Washington, in the District of Columbia, on Monday, the sixth day of December, eighteen hundred and sixty-nine.

AN ACT

TO INCORPORATE THE UNITED STATES FREEHOLD LAND AND EMIGRATION COMPANY, AND TO CONFIRM CERTAIN LEGISLATION IN COLORADO TERRITORY.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,

That William Gilpin, Ambrose E. Burnside, S. L. M. Barlow, Charles A. Lambard, William H. Reynolds, Hiram Hitchcock, Henry W. Gray, Morton C. Fisher, and such other persons as may be associated with them and their successors, are hereby created a body politic and corporate, in the Territories of Colorado and New Mexico, by the name, style and title of the United States Freehold Land and Emigration Company, and by that name shall have succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all proper courts of law and equity, and may make and have a common seal.

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SEC. 2. *And be it further enacted*, That the capital stock of the said corporation shall be two and one-half millions of dollars, divided into shares of one hundred dollars each, and the same shall be deemed to be personal property and transferable on the books of the company only, and such capital stock may be increased from time to time to the extent necessary to carry out the objects for which said company is formed, not exceeding in the whole the sum of ten million dollars, upon a vote of two-thirds in amount of the stock for the time being in favor of such increase.

SEC. 3. *And be it further enacted*, That the said company shall have power to make such by-laws as it deems proper for the disposition of its property and estate, and for the management of its business and affairs, for the regulation of the term of office of its officers and their duties, and to carry out the general objects of the corporation, and the same to amend or repeal at pleasure: *Provided*, That such by-laws shall not conflict with any law of the United States, or of the Territories of Colorado and New Mexico, or the States which may be formed therein.

SEC. 4. *And be it further enacted*, That the corporators named in this act shall be the directors for the first year from the organization of the company, and until others are elected; and thereafter, annual elections of directors, not less than five or more than nine in number, shall be held by the stockholders, at meetings to be called for that purpose, at which each share of stock present, in person or by proxy, shall be entitled to one vote, and the majority thereof shall elect.

SEC. 5. *And be it further enacted*, That the general objects of such corporation are, and are hereby declared to be as follows: To promote and encourage emigration to, and establish settlements on, the lands of said company, in the San Luis Park, in the Territories of Colorado and New Mexico, and, in connection therewith, to establish such agencies as it may deem desirable; to

purchase, hold, lease, sell and mortgage any real estate situate in the San Luis Park, in said Territories, or either of them, now owned or contracted for by any of the persons named in the first section of this act, with any co-tenant thereof, his or their heirs or assigns; to survey, lay out and improve the same; to establish, maintain and operate wagon roads, to and upon its property; to construct and maintain a rail-road and telegraph line from any point on lands of said company, in the San Luis Park, to the nearest and most practicable point on either the Kansas Pacific Rail-Road, the Union Pacific Rail-Road, the Denver Branch Rail-Road, or the Atchison, Topeka and Santa Fe Rail-Road; and the said company, for the purpose of building and operating such rail-road, shall have the right of way through the public lands of the United States, from and between the points aforesaid, the said right of way being to the extent of two hundred feet on each side of said rail-road line; and such corporation shall possess all the franchises necessary to enable it to build and operate such rail-road for the transportation of freight and passengers, and to collect and receive compensation therefor; and the powers, privileges and franchises conferred on corporations, by and under the provisions of chapter eighteen of the revised statutes of Colorado, or of any and all amendments thereto, are hereby confirmed to and invested in said corporation, subject to said statutes, for the purposes of this act: *Provided*, That this act shall not be construed to permit said company to acquire title to any other lands or real estate than such as is above mentioned.

SEC. 6. *And be it further enacted*, That such corporation may make and dispose of its bonds or other obligations in such amounts, at such rates, and on such terms as it may deem most for its interest, for the purpose of borrowing money for the purposes aforesaid, and may secure the same by a mortgage upon all or any part of its property, and all its franchises, and may make the same and the

interest thereon payable at such place or places as it may deem proper, and may hold and transfer such real estate aforesaid, and personal property, as may be necessary for the carrying out of its general purposes, and may issue its stock and bonds for property and again exchange its property for its bonds or stock, and may convert any of its obligations, at the option of the holders, into stock of the company, without further action of the stockholders.

SEC. 7. *And be it further enacted*, That this act shall take effect immediately, and shall at all times be subject to amendment or repeal by Congress, and said corporation shall be subject to the general laws of said Territories, and the States formed therein, operating upon all corporations equally.

J. G. BLAINE,
Speaker of the House of Representatives.

SCHUYLER COLFAX,
Vice-President of the United States, and President of the Senate.

Approved, July 8, 1870.
U. S. GRANT.

I certify that this act originated in the House of Representatives.

Attest,
EW'D MCPHERSON,
Clerk.

UNITED STATES OF AMERICA,
Department of State.

To all to whom these presents shall come, Greeting:

I certify, that hereto annexed is a duplicate, with original signatures, of an act of Congress, approved July

8th, 1870, entitled "An act to incorporate the United States Freehold Land and Emigration Company, and to confirm certain legislation in Colorado Territory;" the original of which act is on file in this Department.

In testimony whereof, I, Hamilton Fish, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

{Seal of the Department of State.}

Done at the City of Washington, this eighth day of July, A. D. 1870, and of the Independence of the United States of America the ninety-fifth.

HAMILTON FISH.

CHAPTERS III. AND XVIII.

OF THE

REVISED STATUTES OF COLORADO.

CHAPTER III.

ALIENS.

All aliens may take, by deed, will or otherwise, lands and tenements and any interest therein, and alienate, sell, assign and transmit the same to their heirs or any other persons, whether such heirs or other persons be citizens of the United States or not; and upon the decease of any alien having title to, or interest in, any lands or tenements, such lands and tenements shall pass and descend in the same manner as if such alien were a citizen of the United States; and it shall be no objection to any person having an interest in such estate, that they are not citizens of the United States; but all such persons shall have the same rights and remedies, and in all things be placed upon the same footing as natural born citizens of the United States. The personal estate of an alien, dying intestate, [who at the time of his death shall reside in this territory,] shall be distributed in the same manner as the estate of natural born citizens; and all persons shall be entitled to their proper distributive shares of such estate under the laws of this territory, whether they are aliens or not.

CHAPTER XVIII.

CORPORATIONS.

SEC. 1. At any time hereafter, any three or more persons who may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical, or chemical business; construct wagon roads, rail-roads, telegraph lines, dig ditches, build flumes, run tunnels, or carry on any branch of business designed to aid in the industrial or productive interests of the country, may make, sign and acknowledge before some officer competent to take the acknowledgment of deeds, duplicate certificates, in writing, in which shall be stated the corporate name of the said company, and the objects for which the company shall be formed; the amount of the capital stock of the said company; the term of its existence, not to exceed twenty years; the number of shares of which the said stock shall consist; the number of trustees and their names, who shall manage the concerns of the said company for the first year, and the name of the town and county in which the operations of said company shall be carried on, and shall file one of said certificates in the office of the county clerk of each county wherein the business of the corporation is to be carried on, and one thereof in the office of the secretary of the territory.

SEC. 2. When the certificate shall have been filed as aforesaid, the secretary of the territory shall record and carefully preserve the same in his office, and a copy thereof, duly certified by the secretary of the territory, under the great seal of the territory of Colorado, shall be evidence of the existence of such company; and the persons who shall have signed and acknowledged the same,

and their successors, shall be a body politic and corporate in fact and in name, by the name stated in such certificate, and by that name have succession, and shall be capable of suing and being sued in any court of law or equity in this territory, and they and their successors may have a common seal, and may make or alter the same at pleasure, and they shall, by their corporate name, be capable in law of acquiring by purchase, pre-emption, donation or otherwise, or holding or conveying by deed or otherwise, any real or personal estate whatever, which may be necessary to enable the said company to carry on their operations named in the certificate.

SEC. 3. Any certificate hereafter filed and recorded under the provisions of this article, may designate one or more places where the company may carry on their business.

SEC. 4. If any company shall be formed under this article, for the purpose of carrying on any part of its business in any place outside of this territory, the said certificate shall so state, and shall also state the name of the town and county in which the principal part of the business of said company, within this territory, is to be transacted, and said town and county shall be deemed the town, place and county in which the operations and business of the company are to be carried on, and its principal place of business, within the meaning and provisions of this article.

SEC. 5. The stock, property and concerns of such company shall be managed by not less than three nor more than nine trustees, who shall respectively be stockholders in said company, and who shall (except the first year) be annually elected by the stockholders, at such time and place as shall be directed by the by-laws of the company; and public notice of the time and place of holding such elections shall be published not less than ten days previous thereto, in the newspaper printed nearest to the place where the operations of the said company shall be carried

on, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, provided one-half the stock is represented. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the said company, and the persons receiving the greatest number of votes shall be trustees; and when any vacancy shall happen among the trustees by death, resignation or otherwise, it shall be filled for the remainder of the year, in such manner as shall be provided by the by-laws of the said company.

SEC. 6. In case it should happen at any time that an election of trustees shall not be made on the day designated by the by-laws of said company, when it ought to have been made, the company for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for trustees in such manner as shall be provided for by the said by-laws, and all acts of trustees shall be valid and binding as against such company until their successors shall be elected.

SEC. 7. There shall be a president of the company, who shall be designated from the number of the trustees, and also such subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their offices as the company by its by-laws may require.

SEC. 8. It shall be lawful for the trustees to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such time and in such payments or instalments as the trustees shall deem proper, not to exceed twenty per cent. in any one month, under the penalty of forfeiting the shares of stock subscribed for, and for all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a personal demand or notice requiring such payment shall have been published for six suc-

cessive weeks in the newspaper nearest the place where the business of the company shall be carried on as aforesaid.

SEC. 9. The stockholders of such corporation, or the trustees, if the certificate of incorporation so provide, shall have power to make such prudential by-laws as they shall deem proper, for the management and disposition of the stock and business affairs of such company, not inconsistent with the laws of this territory, and prescribing the duties of officers, artificers and servants that may be employed; for the appointment of all officers and for carrying on all kinds of business within the objects and purposes of such company.

SEC. 10. The stock of such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company, but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for such company to use any of their funds for the purchase of stock in any other corporation, nor for the purchase of stock in their own company or corporation, in the corporate name, nor shall such company or corporation acquire or hold any stock or share therein, except such as may be forfeited for the non-payment of assessments thereon.

SEC. 11. The copy of any certificate of incorporation filed and recorded in pursuance of this article, certified by the secretary of the territory, under the great seal of the territory of Colorado, to be a true copy, and the whole of such certificate, shall be received in all courts and places as *prima facie* evidence of the facts therein stated.

SEC. 12. All the stockholders of every company incorporated under the provisions of this article, shall be severally individually liable to the creditors of the company in which they are stockholders, to the amount of unpaid

stock held by them respectively, for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited shall be paid in, and a certificate thereof shall have been made and recorded as prescribed in the following sections, and the capital stock so fixed and limited shall all be paid in, one-half thereof within one year, and the other half thereof within five years from the incorporation, or said corporation shall be dissolved.

SEC. 13. The trustees of such company may purchase mines, manufactories and other property necessary for their business, and issue stock to the amount of the value thereof in payment therefor, and the stock so issued shall be declared and taken to be full stock, and not liable to any further calls; neither shall the holders thereof be liable to any further payments under the provisions of the tenth section of this article, but in all statements and reports of the company to be published, this stock shall not be stated or reported as being issued for cash paid into the company, but shall be reported in this respect according to the facts.

SEC. 14. The president and a majority of the trustees, within thirty days after the payment of the last instalment of the capital stock so fixed and limited by the company, shall make a certificate stating the amount of the capital so fixed and paid in; which certificate shall be signed and sworn to by the president and a majority of the trustees, and they shall, within the said thirty days, record the same in the office of the county clerk of the county wherein the business of the said company is carried on.

SEC. 15. Every such company shall annually, within twenty days from the first day of January, make a report, which shall be published in some newspaper published in the town, city or village, or if there be no newspaper published in said town, city or village, then in some newspaper published nearest the place where the business

of said company is carried on, which shall state the amount of capital and of the proportion actually paid in, and the amount of existing debts; which report shall be signed by the president and a majority of the trustees, and shall be verified by the oath of the president or secretary of said company, and filed in the office of the clerk of the county where the business of the company shall be carried on; and if any of said companies shall fail so to do, all the trustees of the company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such report shall be made.

SEC. 16. If the trustees of any such company shall declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted while they shall respectively continue in office: *Provided*, That if any of the trustees shall object to the declaring of such dividend or to the payment of the same, and shall, at any time before the time fixed for the payment thereof, file a certificate of their objection in writing, with the clerk of the company and with the clerk of the county, they shall be exempt from the said liability.

SEC. 17. No loan of money shall be made by any such company to any stockholder therein; and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest for all the debts of the company contracted before the re-payment of the sum so loaned.

SEC. 18. If any certificate or report made, or public notice given by the officers of any such company, in pursuance of the provisions of this article, shall be false in any material representation, all the officers who shall have

signed the same shall be jointly and severally liable for all the debts of the company, contracted while they are stockholders or officers thereof.

SEC. 19. No person holding stock in any such company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such company; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate of funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been, if he had been living and competent to act, and held the same stock in his own name.

SEC. 20. Every such executor, administrator, guardian or trustee, shall represent the shares of stock in his hands at all meetings of the company, and may vote accordingly as a stockholder; and every person who shall pledge his stock as aforesaid may nevertheless represent the same at all such meetings, and may vote accordingly as a stockholder.

SEC. 21. The legislature may, at any time, alter, amend, or repeal this article; but such amendment or repeal shall not take away or impair any remedy given against any such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

SEC. 22. Any corporation or company heretofore formed either by special act or under the general law, and now existing, or any company which may be formed under this article, may increase or diminish its capital stock by complying with the provisions of this article, to any amount which may be deemed sufficient and proper for the purposes of the corporation, and may also extend its business to any other branch named in section one of this article, subject to the provisions and liabilities of this

article. But before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital; and any existing company heretofore formed under the general law, or any special act, may come under and avail itself of the privileges and provisions of this article by complying with the following provisions, and thereupon such company, its officers and stockholders, shall be subject to all the restrictions, duties and liabilities of this article.

SEC. 23. Whenever any company shall desire to call a meeting of stockholders for the purpose of availing itself of the privileges of this article, or for increasing or diminishing the amount of its capital stock, or for extending or changing its business, it shall be the duty of the trustees to publish a notice, signed by at least a majority of them, in a newspaper in the county, if any shall be published therein, at least six successive weeks, and to deposit a written or printed copy thereof in the post-office, addressed to each stockholder at his usual place of residence, at least six weeks previous to the day fixed for holding such meeting; specifying the object of the meeting, the time and place, when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital, and the business to which the company would be extended or changed, and a vote of at least two thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of its capital stock or the extension or change of its business as aforesaid, or to enable a company to avail itself of the provisions of this article.

SEC. 24. If, at any time and place specified in the notice provided for in the preceding sections of this article,

stockholders shall appear in person or by proxy, in number representing not less than two thirds of all the shares of stock of the corporation, they shall organize by choosing one of the trustees chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present, in person or by proxy; and if, on canvassing the votes, it shall appear that a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, or of extending or changing its business as aforesaid, or for availing itself of the privileges and provisions of this article, a certificate of the proceedings showing a compliance with the provisions of this article, the amount of capital actually paid in, the business to which it is extended or changed, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman, and be countersigned by the secretary, and such certificate shall be acknowledged by the chairman, and filed and recorded as required by the first section of this article; and when so filed and recorded, the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the business extended or changed as aforesaid, and the company shall be entitled to the privileges and provisions, and be subject to the liabilities of this article, as the case may be.

SEC. 25. If the indebtedness of any such company shall at any time exceed the amount of its capital stock, the trustees of such company assenting thereto shall be personally and individually liable for such excess to the creditors of such company.

SEC. 26. It shall be the duty of the trustees of every such corporation or company to cause a book to be kept by the treasurer or clerk thereof, containing the names of all persons, alphabetically arranged, who are, or shall, within six years, have been stockholders of such com-

pany, and showing their place of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, and the amount of stock actually paid in; which book shall, during the usual business hours of the day, on every day except Sunday and the fourth day of July, be open for the inspection of the stockholders and creditors of the company and their personal representatives, at the office or principal place of business of such company in the county where its business operations shall be located; and any and every such stockholder, creditor or representative shall have a right to make extracts from such books; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of the company, according to the provisions of this article, until it shall have been entered therein as required by this section, by an entry showing to and from whom transferred; such book shall be presumptive evidence of the facts therein stated in favor of the plaintiff in any suit or proceeding against such company, or against any one or more stockholders. Every officer or agent of any such company who shall neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, and extracts taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all the damages resulting therefrom, and every company that shall neglect to keep such book open for inspection as aforesaid, shall forfeit to the people the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the people by the district attorney of the county in which the business of such corporation shall be located; and when so recovered, the amount shall be paid into the treasury of such county for the use of common schools therein.

SEC. 27. Whenever any person or persons owing fifteen per cent. of the capital stock of any company formed under the provisions of this article, shall present a written request to the treasurer thereof that they desire a statement of the affairs of such company, it shall be the duty of such treasurer to make a statement of the affairs of said company under oath, embracing a particular account of all its assets and liabilities in minute detail, and to deliver such statement to the persons who presented the said written request to said treasurer, within twenty days after such presentation, and shall also, at the same time, place and keep on file in his office for six months thereafter a copy of such statement, which shall, at all times, during business hours, be exhibited to any stockholder of said company demanding an examination thereof; such treasurer, however, shall not be required to deliver such statements in the manner aforesaid oftener than once in every six months. If such treasurer shall neglect or refuse to comply with any of the provisions of this article, he shall forfeit and pay to the person presenting said written requests, the sum of fifty dollars, and the further sum of ten dollars for every twenty-four hours thereafter, until such statement shall be furnished, to be sued for and recovered in any court having cognizance thereof.

SEC. 28. When any three or more persons shall associate to form a company for the purpose of constructing a wagon road under the provisions of this article, their certificate of incorporation, in addition to the matters hereinbefore required to be stated therein, shall specify the termini of said road, and the route of the same as near as may be; and the said company shall have the right of way over the line named in the certificate, to erect toll-gates, not to exceed one to every ten miles of the road, and to collect toll thereat at the rates prescribed by the county commissioners or the tribunal transacting county business, upon the application of such corporation, either

at or before the time of commencing such road, or after the completion thereof: *Provided*, That such rates of toll shall remain in force and may be collected from persons travelling such road for two years from the time of completing such road; and thereafter at the expiration of every two years, the county commissioners or tribunal transacting county business in each county, through which such road passes, shall fix and regulate such rates of toll, but not at higher rates than those originally prescribed: and *Provided further*, That nothing in this article shall be so construed as to authorize any corporation formed under the provisions hereof, to locate their road, rail-road, ditch, or flume, or any part thereof, upon any toll-road previously existing, nor upon any public highway, heretofore, and at the time of the organization of such corporation, used and travelled as such, except as it may be necessary to cross such toll-road or public highway; all such rates of toll shall be conspicuously posted at every gate upon such road.

SEC. 29. No company formed under this article shall demand and receive toll whenever said wagon-road is not in reasonably good repair; and any person having paid toll on said road, and shall find the same in bad condition and unsafe to travel with loaded teams, shall have the right to make complaint before any justices of the peace in the county in which the road is located, and it shall be the duty of said justice of the peace to summon the said company, or any agent of said company, to appear before him to answer in said complaint, within not over five days from the date of said complaint; and if it be found that said road is in bad condition or unsafe to travel, it shall be the duty of said justice to impose a fine of not less than ten dollars nor more than twenty-five dollars, to be collected from said company; and said justice shall issue his order that no toll be collected upon said road, or any part thereof, until it is put in good repair.

SEC. 30. Any person, after toll shall have been demanded by the regularly authorized toll collector, who

may be found travelling upon said road and refusing to pay said toll, shall be subject to a fine of not less than five dollars nor more than ten dollars for such offence, the same to be collected before any justice of the peace in the county wherein such road is located.

SEC. 31. Whenever any three or more persons associate under the provisions of this article, to form a company for the purpose of constructing a ditch for the purpose of conveying water to any mines, mills or lands, to be used for mining, milling, or irrigating of lands, they shall, in their certificate, in addition to the matters required in section one of this article, specify as follows: The stream or streams from which the water is to be taken; the point or place on said stream at or near which the water is to be taken out; the line of said ditch, as near as may be, and the use to which the said water is intended to be applied.

SEC. 32. Any ditch company formed under the provisions of this article, shall have the right of way over the line named in the certificate, and shall also have the right to run the water of the stream or streams named in the certificate through their ditch: *Provided*, That the line proposed shall not interfere with any other ditch whose rights are prior to those acquired under this article, and by virtue of said certificate. Nor shall the water of any stream be directed from its original channel to the detriment of any miners, mill-men, or others along the line of said stream, who may have a priority of right, and there shall be at all times left sufficient water in said stream for the use of miners and agriculturists along said stream.

SEC. 33. Any company constructing a ditch under the provisions of this article, shall furnish water to the class of persons using water in the way named in the certificate as the way the water is designated to be used, whether miners, mill-men, or farmers, whenever they shall have water in their ditch unsold, and shall at all times give

the preference to the use of the water in said ditch to the class of persons so named in the certificate; the rates at which water shall be furnished to be fixed by the county commissioners, or the tribunal transacting county business, as soon as such ditch shall be completed and prepared to furnish water.

SEC. 34. Every ditch company organized under the provisions of this article, shall be required to keep the bank of their ditch in good condition, so that the water shall not be allowed to escape from the same to the injury of any mining claim, road, ditch or other property; and whenever it is necessary to convey any ditch, over, across, or above any lode or mining claim, that the company shall, if necessary to keep the water of said ditch out, or from any claim, flume the ditch so far as necessary to protect such claim or property from the water of said ditch.

SEC. 35. When any company shall organize under the provisions of this article to form a company for the purpose of constructing a flume, their certificate, in addition to the matters required in the first section of this article, shall specify as follows: The place of beginning, the termini, and the route so near as may be, and the purpose for which such flume is intended; and when organized according to the provisions of this article, said company shall have the right of way over the line proposed in such certificate for such flume: *Provided*, It does not conflict with the right of any farmer, fluming, ditching or other company.

SEC. 36. When any three or more persons shall associate under the provisions of this article, to form a company for the purpose of constructing a bridge or establishing a ferry over any of the streams of water in this territory, their certificate, in addition to the matters required in the first section of this article, shall specify as follows: The place where said bridge or ferry is to be built or established, and on what streams, and that the

banks on both sides of the stream where the said bridge or ferry is to be built or established are owned by said company, or that they have obtained in writing the consent of the owners of the banks where the said bridge is to be built, to erect the said bridge or establish the said ferry as aforesaid, or that the banks at such place are a public highway.

Sec. 37. Any bridge built or ferry established under the provisions of this article, shall at all times be kept in good and safe condition for travel, both night and day, unless the same be rendered impassable by reason of flood or high water; and any bridge or ferry so built or established shall, if destroyed by flood, fire or other causes, be rebuilt or established within a period of nine months from such destruction, or the rights acquired under this article shall be forfeited and cease to exist.

Sec. 38. The company previous to receiving any toll upon said bridge or ferry, shall set up and keep in a conspicuous place on the said bridge or ferry a board, on which shall be written, painted or printed, in a plain, legible manner, the rates of toll, which rates of toll shall have been prescribed by the county commissioners, or the tribunal transacting county business in said county; and if any company shall demand or receive any greater rate of toll than the rate prescribed by said tribunal, then they shall be subject to a fine of ten dollars; and no company formed under the provisions of this article shall demand or receive tolls whenever said bridge or ferry is not in a good and safe condition for travel; and any person having paid toll on such bridge or ferry, and finding the same in a bad or unsafe condition for loaded teams, shall have the right to make complaint before any justice of the peace in the county in which the bridge or ferry is located, who shall proceed as is provided in section twenty-nine of this article.

Sec. 39. Whenever any three or more persons shall associate under the provisions of this article, for the pur-

pose of running a tunnel for mining for gold, quartz or other ore, their certificate of incorporation shall specify, in addition to the matters required by the first section of this article, as follows, to wit: Where said tunnel is to be run; the place of commencement; course and termination, and the minerals or ore designed to be excavated.

SEC. 40. Any company formed under the provisions of this article, for the purpose of excavating a tunnel, shall have and hold two hundred and fifty feet on each side of said tunnel, on all lodes discovered by them while excavating said tunnel; one hundred feet on all lodes discovered by others crossing said tunnel, after the commencement of the same, and through all lodes discovered previous to the commencement of said tunnel they shall have the right of way.

SEC. 41. Whenever any three or more persons associate under the provisions of this article, to form a company for the purpose of constructing a line or lines of magnetic telegraph in this territory, their certificate shall specify as follows: The termini of such line or lines, and the counties through which they shall pass; and such corporation is hereby authorized to construct said telegraph line or lines from point to point, along and upon any of the public roads, by the erection of the necessary fixtures, including posts, piers and abutments, necessary for the wires: *Provided*, That the same shall not incommode the public in the use of said roads or highways.

SEC. 42. Any company formed under the provisions of this article for the purpose of constructing any road, ditch, flume, bridge, ferry or telegraph line, shall, within ninety days from the date of their certificate, commence work on such road, ditch, flume, bridge, ferry or telegraph line, as shall be named in the certificate, and shall prosecute the work with due diligence until the same is completed, and the time of the completion of any such road, ditch, flume, bridge, ferry or telegraph line, shall not be extended beyond a period of two years from the time

work was commenced as aforesaid; and any company failing to commence work within ninety days from the date of certificate, or failing to complete the same within two years from the time of commencement as aforesaid, shall forfeit all right to the route so claimed, and the same shall be subject to be claimed by any other company; the time for the completion of any flume constructed under the provisions of this article shall not be extended beyond a period of four years: *Provided*, That this section shall not apply to any ditch or flume for mining purposes, constructed through any grounds owned by the corporation.

SEC. 43. Every corporation under the provisions of this article, as such, has power:

1st. To have succession by its corporate name for the period limited in its certificate of charter.

2d. To sue and be sued, complain and defend in any court of law or equity.

3d. To make and use a common seal, and alter the same at pleasure.

4th. To hold, purchase and convey such real and personal estate as the purpose of the corporation may require.

5th. To appoint such subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation.

6th. To make by-laws, not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock.

SEC. 44. The powers enumerated in the preceding section shall vest in every corporation that shall hereafter be created, although they may not be specified in the certificate, or in the act under which it shall be incorporated; but no corporation shall possess or exercise any corporate powers, except such as shall be necessary to the exercise of the powers so enumerated.

SEC. 45. Any person who shall wilfully or maliciously

damage or interfere with any road, ditch, flume, bridge, ferry or telegraph line, or any of the fixtures, tools, implements, appurtenances, or any property of any company which may be organized under the provisions of this article, upon conviction thereof before any court of competent jurisdiction in the county where the offence shall have been committed, shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, at the discretion of the court, said imprisonment not to exceed one year, and said fine not to exceed five hundred dollars, which shall be paid into the county treasury for the use of common schools, and said offender shall also pay all damages that any such corporation may sustain, together with costs of suit.

Sec. 46. Nothing in this article shall be so construed as to authorize any company organized under the same to issue notes or bills for circulation as money.

Sec. 47. Any company organized under and by virtue of the provisions of an act, entitled an act to enable road, ditch, manufacturing and other companies to become bodies corporate, approved August 15, 1862, may surrender their certificate to the secretary of the territory by the certificate of the president of said company, filed in the office of said secretary, and become a body corporate and politic under the provisions of this article, by complying with all and singular the provisions thereof.

Sec. 48. Whenever any road, rail-road, ditch, telegraph or fluming company, organized or to be organized under the provisions of this chapter, or any law of this territory, shall not have acquired by gift or purchase any land, real estate or claim required for the construction or maintenance of their road, rail-road, ditch, telegraph or flume, or which may be affected by any operation connected with the construction or maintenance of the same, the said corporation may present to the probate judge of the county wherein such lands, real estate or claim shall be, a petition signed by the president, attorney or agent of

the same, describing with convenient accuracy and certainty, by map or otherwise, the lands, real estate or claims so required to be taken or affected as aforesaid, setting forth the name and residence of each owner, or other person interested therein as owner, lessee or encumbrancer, as far as known to such president, attorney or agent, or appearing of record, and praying the appointment of three appraisers to ascertain the compensation to be made to such owner and persons interested, for the taking or injuriously affecting such lands, real estate or claims as aforesaid; the probate judge shall have satisfactory evidence that notice of an intended application and the time and place thereof, for the appointment of appraisers between said corporation and the owners and persons interested in such lands, real estate and claims, has been given at least ten days previously, to such owners personally at their residence, or on the premises, or by the publication thereof in a newspaper printed in the county in which such lands, real estate or claims shall lie; or if no newspaper is published in said county, then by posting three or more notices in some public places in said county, such publication to be allowed only in respect to owners or persons interested, who shall appear by affidavit to have no residence in the county, known to such president, attorney or agent, which notice shall be published at least thirty days prior to the time fixed for the application as aforesaid. The court may adjourn the proceedings from time to time; shall direct any future notice thereof to be given that may seem proper; shall have proofs and allegations of all parties interested touching the regularities of the proceedings, and shall, by an entry in its minutes appoint three disinterested appraisers as aforesaid, specifying in such entry a time and place for the first meeting of such appraisers. The said appraisers, before entering upon the duties of their office, shall take an oath to faithfully and impartially discharge their duties as said appraisers, and

any one of them may administer oaths to witnesses produced before them; they may issue subpœnas and compel witnesses to attend and testify, and may adjourn and hold meetings for that purpose, and shall give reasonable previous notice to such owners or parties interested. They shall hear the proofs and allegations of the parties, and any two of them, after reviewing the premises, shall, without fear, favor or partiality, ascertain and certify the compensation proper to be made to said owners or parties interested, for the lands, real estate or claims to be taken or affected, as well as all damages accruing to the owners or parties interested, in consequence of the condemnation of the same, taken or injuriously affected as aforesaid, making such deduction or allowance for real benefits or advantages which such owners or parties interested may derive from the construction of said road, rail-road, ditch, telegraph or flume. They, or a majority of them, shall make, subscribe and file with the clerk of the county in which such lands, real estate or claims shall lie, a certificate of their said ascertainment and assessment, in which such lands, real estate or claims shall be described with convenient certainty and accuracy. The probate judge, upon such certificate, and due proof that such compensation and separate sums, if any, be certified, have been paid to the parties entitled to the same, or have been deposited to the credit of such parties in the county treasury, or other place for that purpose, approved by the court, shall make and cause to be entered in its minutes a rule, describing such lands, real estate or claims in manner aforesaid, such ascertainment of compensation, with the mode of making it, and each payment or deposit of the compensation as aforesaid, a certified copy of which shall be recorded and indexed in the recorder's office of the proper county, in like manner and with like effect as if it were a deed of conveyance from the said owners and parties interested to the said corporation. Upon the entry of such rule, the said corporation shall become

seized in fee, or shall have the exclusive right, title and possession of all such lands, real estate or claims described in said rule, as required to be taken as aforesaid, during the continuance of the corporation, and may take possession of, and hold and use the same for the purposes of said road, rail-road, ditch, telegraph or flume, and shall thereupon be discharged from all claims for any damages by reason of any matter specified in such petition, certificate, or rule of said probate judge. If at any time after an attempted or actual ascertainment of compensation under this article, or any purchase by or donation to said corporation, of land or claims for purposes aforesaid, it shall appear that the title acquired thereby, to all or any part of such lands for the use of said corporation, or if said assessment shall fail or be deemed defective, the said corporation may proceed and perfect such title by procuring an ascertainment of the compensation proper to be made to any person who has title, claim or interest in, or lien upon such lands, and by making payment thereof in the manner hereinafter provided, as near as may be; and at any stage of such new proceedings, or of any proceedings under this article, the probate judge may, by rule in that behalf made, authorize the said corporation, it already in possession, and if not in possession, to take possession of and use said premises during the pendency and until the final conclusion of such proceedings, and may stay all actions and proceedings against such corporation on account thereof: *Provided*, Such corporation shall pay a sufficient sum into court, or give approved security to pay the compensation in that behalf when ascertained; and in every case where possession shall be so authorized, it shall be lawful for the owners to conduct the proceedings to a conclusion, if the same shall be delayed by the company. The said appraisers shall receive two dollars per day, as compensation for each day actually employed, such compensation to be taxed and allowed by the probate judge. If any appraiser so appointed shall die, be unable or fail

to serve, the court may appoint another in his place, on reasonable notice of the application, to be approved by the probate judge. Applications may be made to the district court in the same manner as herein provided, and the district court may thereupon cause such proceedings to be had and taken in like manner, and with the same effect, as herein required respecting the probate court.

SEC. 49. Whenever any corporation constituted or formed for the purpose of constructing a wagon-road, according to the provisions of this article, shall have constructed one mile or more of the road by such corporation to be constructed, it shall be lawful for the county commissioners, or the tribunal transacting county business of the county in which the portion of road so constructed shall lie, to prescribe the rates of toll to be charged and collected by such corporation, upon the portion of the road so constructed; and thereafter, and as other portions of the road to be constructed by such corporation shall be completed, such county commissioners or tribunal transacting county business, shall prescribe rates of toll to be charged and collected upon other portions of the road so completed as aforesaid, and such corporation shall have power to erect toll-gates, not exceeding one to every ten miles, and to collect tolls thereat, at the rates prescribed, as aforesaid, until such road be completed: *Provided*, Said road shall be completed within two years after such rates shall have been prescribed.

SEC. 50. Whenever any corporate body, organized under this article, shall have fully completed the wagon-road to be by them constructed, and the county commissioners, or tribunal transacting county business of the county in which the same shall be located, shall have prescribed the rates of toll to be charged and collected upon such road, such corporation shall be entitled to charge and collect toll at the rates so prescribed, for two

years thence next ensuing; and at the expiration of the term of two years after such rates shall be prescribed, and biennially thereafter, during the existence of such corporation, the county commissioners, or tribunal transacting county business, shall prescribe the rates of toll to be charged and collected on such road for the two years thence next ensuing.

SEC. 51. Whenever any wagon-road, constructed by any corporation organized under this article, shall be located in two or more counties, it shall be lawful for the county commissioners, or tribunal transacting county business of the several counties into or through which such road shall pass, to prescribe the rates of toll to be charged and collected by such corporation, on the portions or parts of such road lying within the limits of such counties, respectively.

AN ACT

RELATING TO RAIL-ROADS, WAGON-ROADS AND MINING COMPANIES, SUBSCRIPTIONS TO STOCK, ISSUE OF BONDS, TAXES TO PAY INTEREST AND PRINCIPAL BY COUNTIES, CITIES OR TOWNS, AND FOR OTHER PURPOSES. (APPROVED JANUARY 10, 1868.)

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 52. (1) It shall be lawful for the board of county commissioners of any county, or the mayor of any city or town in this territory or state, as may be, to subscribe in the corporate name of such county, city or town, to the capital stock of any organized rail-road or wagon-road company located in this territory or state, and to issue

bonds in payment therefor under the hands and seals of said commissioners or mayor, on the faith and credit of such county, city or town, to the amount specified in such subscription, payable as required, in such sums, time and place, as said commissioners or mayor deem expedient, bearing eight per cent. interest per annum, with interest coupons attached to such bonds, payable annually; the proceeds of such bonds to be applied in aid of construction of such rail-road or wagon-road; said bonds or stock may be sold at such rates, above or below par, as may be necessary to negotiate them; said bonds may be purchased at the market rates if so required to liquidate or redeem them; said bonds may be made convertible into said stock, or said stock may be converted into such bonds, if deemed expedient by said commissioners or mayor.

SEC. 53. (H.) No such bonds shall be issued unless application in writing be made to the county commissioners of any county, or the mayor of any city or town in this territory or state, of at least one hundred voters of such county, city or town, for the approval of subscription to stock and issue of bonds, by the legal voters of such county, city or town, then it shall be the duty of said commissioners or mayor, within ten days after such application, to call a meeting or election of the legal voters of such county, city or town, to approve and vote the subscription of stock and authorize the issue of bonds; public notice of such election shall be given thirty days prior to the day of such election in any newspaper published in such county, city or town; if no newspaper is published there, notice shall be posted at least thirty days prior to such election, at the usual places of holding elections in each precinct in such county, city or town; such election shall be held, conducted, and the votes returned and canvassed according to the laws then regulating elections; if, upon canvassing the votes cast at any such election, it shall be found that a majority of all the votes cast

are in favor of such subscription of stock and issue of such bonds, then such stock and bonds shall be issued accordingly; whenever said commissioners or mayor may deem it expedient to sell or transfer such stock in liquidation and redeem such bonds, the same approval of the legal voters shall be had, and proceedings as aforesaid, and the proceeds of sale of such stock shall be exclusively applied to purchase, liquidate or redeem such bonds and interest thereon.

SEC. 54. (III.) Whenever any county, city or town issue bonds under this act, it shall be the duty of said commissioners or mayor, or municipal authorities or assessors of any such county, city or town, to duly levy and assess a special tax annually upon the taxable property in such county, city or town, in amount sufficient to pay the interest coupons, when and where due, upon all such bonds, and for the proper expenses of collecting, remitting and disbursing such funds; and after ten years from date and issue of any such bonds, said counties, cities or towns shall provide by taxation, and pay at least five per cent. of the principal or amount of such bonds, annually thereafter, until the full amount of such bonds have been paid, purchased or redeemed, and all the interest thereon due; the taxes so levied or assessed shall be collected as other taxes, and the proceeds remitted and paid to the treasurer of this territory or state, as custodian of such funds, but shall only and exclusively be applied to the payment of interest and principal, or purchase of such bonds by him, and for the expenses thereof; the redemption or purchase of such bonds may be done when authorized by said commissioners or mayor of the counties, cities or towns issuing such bonds; the treasurer shall be paid a reasonable compensation for such service in the payments, purchase or redemption, from the proceeds of taxes, or otherwise.

SEC. 55. (IV.) Whenever counties, cities or towns in the territory or state shall issue bonds under this act, all such

bonds shall, previous to being delivered or negotiated, be presented by said commissioners and mayor to the auditor of this territory or state, to be duly registered under his direction, in a book kept for that purpose in his office, stating the county or city, date, amount, number, time and place of payment, and rate of interest; the auditor shall receive one dollar for registering and certifying or cancelling each of said bonds, to be paid by said commissioners or mayor; it shall be the duty of the auditor to include the sums due or to be paid on such bonds in his report for taxation in such counties, cities or towns, and the amount of funds received and paid on account of such taxes and payments of such bonds, as required by him in his duties to the general assembly. In cases of delay or neglect of any county, city or town officers to levy, assess, or collect and remit the taxes herein provided for to the treasurer of the territory or state, in time to meet such interests or payments of principal and purchase of bonds, any such officer shall be liable to a fine of not less than five hundred dollars for each offence, to be paid to such bondholder as may sue for same; and the treasurer and auditor may appoint proper agents to collect and remit such taxes. Any such bonds that may be purchased or fully paid, shall be so recorded and cancelled; all such bonds shall state on their faces that they are duly issued under this act; and the provisions of this act relating to them shall be printed on the back of such bonds, and the certificate of the auditor shall be evidence of their legal issue.

Sec. 56. (V.) The capital stock of any such rail-road or wagon-road company shall be divided into shares of one hundred dollars each; such shares shall be regarded as personal property, and be subject to sale and execution at law, and transferred as provided in the by-laws of such company. The shares of stock in any such company shall be liable to assessment, as the directors of such company may order, not exceeding ten per cent. of each

share monthly; and such stock shall not be voted on, in person or by proxy, unless all assessments due are paid. If any instalment or assessment of stock shall remain unpaid for sixty days after the time it may be due or specified in the call ordered by the directors, whether such stock is held by the original subscriber or by assignee or transferee, the same may be collected by action of debt; the directors or treasurer may at their option serve upon such delinquent stockholders, if resident of this territory, a note of thirty days' notice in writing, or in case he may not be a resident or not found, publish in some newspaper printed in this territory or state, a like notice that such instalment is due and unpaid; and if said instalment on such stock shall not be paid within thirty days after expiration of such notice, and all charges and expenses in the proceedings herein prescribed, be paid to the treasurer, then such stock, and all the right, title and interest of such subscriber, assignee or transferee therein, by virtue of such failure, and without further action by said company, shall become forfeited, and may be disposed of or sold, as deemed expedient, and the balance due on said stock may be recovered by action of debt in any district court in this territory or state, or other states. The stockholders of any company may at any duly called meeting, determine the amount of stock to be issued, which shall not exceed the cost and equipment of such rail-road; and may reduce the capital stock of any such company, if deemed expedient, and return and cancel same, to the amount that may be determined by a vote of the stockholders at any meeting duly held and voted on therein.

Sec. 57. (VI.) That any rail-road company in this territory or state accepting the provisions of this act, and filing such acceptance with the secretary of this state or territory, may be and they hereby are authorized and empowered to make any running, traffic or business arrangement with any other rail-road company; may

connect with any rail-road at any point of their respective lines or routes, by proper switches or turn-outs, as may be agreed upon by them; may unite their capital stock, and may apply any amount of their capital stock to any specified section of their rail-road or wagon-road, as may be determined by the stockholders at any meeting; may consolidate their stock with any rail-road company in this territory or state, or in any adjoining territory or state; may elect at any meeting of the stockholders of such company or companies, if not less than seven nor more than thirteen directors, as may be determined at such meeting; may change or assume such corporate title as may be determined at any meeting duly held and then acted on therein, which is hereby granted as the duly organized company and legally existing for all purposes whatever; may transfer any existing or other subscriptions of stock in such companies and the authorized issue of bonds by any county, city or town, which shall be binding and legal on such counties, cities or towns, as if no consolidation of such companies or change in corporate title were made; the filing of such acts and proceedings under the hands and seals of the officers of such companies with the secretary of this territory or state, would be evidence of such acts and proceedings under the provisions of this act, and the certificate of the secretary of this territory or state shall be deemed *prima facie* evidence of such organization and proceedings, and legally binding and in force for all purposes herein mentioned.

Sec. 58. (VII.) This act and the provisions thereof are intended to aid and promote the mining, manufacturing and industrial interests of this territory or state, and for its public improvement; and may be made available for such purposes to any companies who may accept it, and file such acceptance with the secretary of this territory or state.

Sec. 59. (VIII.) The provisions of this act shall not

apply to any rail-road company now organized, or that may hereafter be organized in this territory, unless an acceptance of the same shall first be filed by said rail-road company with the secretary of the territory, nor shall its provisions in any way interfere with or apply to any proceedings taken for issuing county bonds, or for making county subscriptions to the capital stock of any rail-road company taken or made between the first day of December, 1867, and the first of February, 1868.

SEC. 60. (IX.) This act shall take effect from and after its passage.

AN ACT

TO AMEND AN ACT TO ENABLE ROAD, DITCH, MANUFACTURING AND OTHER COMPANIES TO BECOME BODIES CORPORATE, AND THE SEVERAL ACTS AMENDATORY THERETO. APPROVED DECEMBER 27, 1867.)

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 61. (I.) That any rail-road company that may have been or may hereafter be organized under the provisions of the act to enable road, ditch, manufacturing and other companies to become bodies corporate, and the several acts amendatory thereto, shall have the power to lease the road of said company, with all its machinery, depot and depot grounds, and all other appliances and property necessary to the successful operation and maintenance thereof, to any other rail-road company or responsible parties, on such terms and for such length of time as shall be agreed upon by the trustees of said rail-road company, or to consolidate said company with any other rail-road company: *Provided*, That the consummation of

such lease or consolidation shall not take effect until after the terms and conditions thereof shall have been approved by a vote of a two-thirds majority of the stock of said company, at a stockholders' meeting, to be called for the purpose by the trustees of the company, of which meeting at least thirty days' notice shall be given to each stockholder by a note to his address being deposited in the post-office, and by publication in one or more newspapers published at a place in the territory where said company has its principal place of business; and if the votes of a two-thirds majority of the shares of the stock of said company shall be in favor of such lease or consolidation, the same shall be held to be ratified and confirmed.

SEC. 62. (II.) That all such rail-road companies shall have the power and authority to borrow money for the purpose of aiding in the construction, operation and maintenance of their road at such rates of interest as shall be agreed upon by the trustees of said company, not exceeding ten per centum per annum, and to execute a trust deed or mortgage in their discretion upon the road of said company, its depots, depot grounds, rolling stock, which shall be considered realty, and such other property or lands as it shall be lawfully possessed of, with power of sale, to secure the payment of such loan or loans.

SEC. 63. (III.) That all such rail-road companies shall have the power to accept donations of lots and lands for the purposes of right of way or depot grounds, to be disposed of and conveyed in their discretion to aid in the construction, operation or maintenance of their road; and when, in pursuance of the provisions of the acts to which this act is amendatory and supplementary, any such rail-road company shall acquire by condemnation any land for right of way or depot grounds, the right and title to said lands shall be and remain in said company, their successors or assigns, so long as they shall be

held and used for the purposes for which they were acquired.

SEC. 64. (IV.) It shall be lawful for the board of county commissioners of any county in this territory within the bounds of which any part of the road of any such rail-road company shall be located, to subscribe to the capital stock of said company, and issue the bonds of said county in payment for said stock, bearing not to exceed eight per cent. per annum interest, to run for such length of time as shall be ordered by said board of county commissioners: *Provided*, That said subscription shall be approved by the legal voters of said county at an election to be called by said commissioners for the purpose, public notice of which shall be published at least three weeks prior to the day of such election in all newspapers published in said county; or in case no such paper is published in said county, said notice shall be posted at the usual place of holding elections in each election precinct in said county at least three weeks prior to said election. Such election shall be held, conducted, and the vote returned and canvassed according to the laws of the territory regulating elections. And if upon the canvass of the votes cast at any such election, it shall be found that a majority of all the votes cast are in favor of said subscription, the county commissioners shall make the same, and issue the bonds of the county in payment therefor.

SEC. 65. (V.) That whenever the county commissioners of any county in this territory shall issue bonds for the payment of any subscription to the capital stock of any such rail-road company, it shall be the duty of the county commissioners, or the authority doing county business in said county, annually thereafter, so long as any of said bonds shall be outstanding, to levy upon the taxable property of said county a special tax sufficient in amount to pay the accruing interest on said bonds, which tax shall be collected as other county taxes are by law, and

the proceeds thereof shall be paid in liquidation of the interest upon such bonds in the manner, at the time or times, and at such place or places as shall be provided for therein; and in case any surplus of said tax shall remain in any year after paying such interest, the same shall be applied to the purchase of the said bonds for cancellation.

SEC. 66. (VI.) The term of existence of all rail-road companies shall not exceed fifty years.

AN ACT

AMENDATORY OF AN ACT, ENTITLED AN ACT TO ENABLE ROAD, DITCH AND OTHER MANUFACTURING COMPANIES TO BECOME BODIES CORPORATE. (APPROVED JANUARY 10, 1868.)

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 71. (I.) That in all cases where, under the provisions of the act to which this act is amendatory, and the several acts amendatory of the same, any persons shall be incorporated for the purpose of manufacturing illuminating gas for the supply of the inhabitants of any incorporated city, and lighting the streets thereof, the mayor and city council of such incorporated city are hereby empowered to authorize such incorporated company to excavate so much of the streets of said city as may be necessary to lay down street-pipes for conducting illuminating gas, as well as for the repairs of said street-pipes from time to time, under such regulations as said mayor and city council may deem adequate for the prevention of injury to persons or property.

SEC. 72. (II.) It shall be lawful for any corporation whose object shall be to supply illuminating gas to any

city or the inhabitants thereof, to lease, purchase, hold and convey such coal lands within this territory as said corporation may deem necessary, for the purpose of supplying their works with coal for the manufacture aforesaid; and said corporation shall also have power, and is hereby authorized to sell coal known as coke, or the coal from which the illuminating gas shall have been extracted, as well as other coal from the company's mines on their said lands.

SEC. 73. (III.) Any corporation which shall expend the sum of fifty thousand dollars in money within eighteen months after the date of the certificate of incorporation in the purchase of an eligible site for the company's works, and for the purchase of conducting pipes and other necessary apparatus, and for labor in and about the construction of said work, exclusive of salary of officers, such corporation shall have the exclusive right and privilege of supplying said city and the residents and inhabitants thereof with illuminating gas during the period of the legal existence of said corporation: *Provided*, That it shall not be lawful for such company to charge or collect from said city, or the inhabitants thereof, a greater sum of money than six dollars for each and every one thousand cubic feet of gas sold and delivered by said corporation, for the term of ten years from and after the date of the certificate of incorporation; and for and during the next succeeding term of ten years a sum of money not greater than five dollars for each and every one thousand cubic feet of gas sold and delivered; and for and during the residue of the term of existence of said corporation, a sum of money not greater than four dollars for each and every one thousand cubic feet of gas sold and delivered; and *Provided further*, That said company shall, within two years from the date of the certificate of incorporation, lay down in the streets of said city at least two miles of street-pipes for the supply of illuminating gas to said city and the inhabitants therein.

SEC. 74. (IV.) Whenever any such corporation shall not, within one year after the date of the certificate of incorporation, commence to erect their works for the manufacture of gas, and within said first year shall not expend in money at least the sum of twenty thousand dollars in the purchase of an eligible site for the erection of said company's works, and also for the purchase of street-pipes and other necessary apparatus, and for work and labor done in and about the erection of works for the manufacture of gas, exclusive of salaries to officers of said corporation, the said corporation shall thereupon be deemed to be dissolved, and the corporate existence of said company immediately cease and determine.

SEC. 75. (V.) For the purpose of ascertaining whether or not any corporation created under the act to which this act is amendatory, and the several acts amendatory thereto, and also under the foregoing provisions of this act, shall have in good faith laid out and expended the sum of fifty thousand dollars, as is provided in section three of this act, or the sum of twenty thousand dollars, as is provided in section four of this act, the trustees of said corporation shall report in detail the items of expenditure to the mayor and city council, which items shall be taken from the books of said corporation, and shall be verified by the oaths of one or more of said trustees; and a failure to make report as above provided, showing an expenditure of the sum of fifty thousand dollars in good faith, with necessary vouchers, if called for by the mayor and city council, within eighteen months after the date of the certificate of incorporation, shall be held and deemed to work a forfeiture of the exclusive right and privilege mentioned in section three of this act; and a failure to make such report as above provided, showing an expenditure of the sum of twenty thousand dollars in like good faith, with necessary vouchers, if called for by the mayor and city council, within one year next ensuing the date of the certificate of incorporation, shall be held

and deemed to work a forfeiture of all rights and privileges under said certificate of incorporation, and the said corporation shall thereupon be dissolved and immediately cease and determine.

SEC. 76. (VI.) The mayor and city council, after the period of two years from the date of the certificate of incorporation, may require, by resolution or ordinance, said corporation to extend the line of street-pipes, for conducting gas to the inhabitants of said city, a distance not exceeding two miles, in addition to the two miles hereinbefore required to be laid down through such streets as said mayor and city council may designate, having regard to the accommodation of the greatest number of householders in the selection of the streets so to be designated; and the said company shall, within one year after notice of the resolution or ordinance, complete the said line of extension for the distance of two miles as aforesaid; and a failure to complete the said extension according to the terms of the resolution or ordinance aforesaid, shall authorize and empower the mayor and city council to reduce the price to be charged and collected by said corporation for each one thousand cubic feet of gas sold and delivered, to the sum of five dollars, after the expiration of three years from and after the date of the certificate of incorporation, anything in the provisions of this act to the contrary notwithstanding: *Provided, however*, That nothing in this section shall be construed to authorize the charge or collection of more than four dollars for each and every one thousand cubic feet of gas sold and delivered, as hereinbefore provided, after the term of twenty years from and after the date of the certificate of incorporation.

SEC. 77. (VII.) The term of existence of every corporation authorized to be created for the purpose of manufacturing illuminating gas, shall not exceed thirty years.

AN ACT

AMENDATORY OF CHAPTER EIGHTEEN OF THE REVISED STATUTES OF COLORADO, CONCERNING CORPORATIONS.

Be it enacted by the Council and House of Representatives of Colorado Territory:

SEC. 1. That in addition to the companies or corporations which may now be formed or organized under the provisions of the act to which this is amendatory, any three or more persons may associate themselves together for the purpose of forming an incorporated company, for the purpose of aiding, encouraging and inducing immigration to this territory; and such company, when organized according to the provisions of this act, may purchase, acquire, hold, possess, sell, convey and dispose of lands, town lots and other property, whether real, personal or mixed.

SEC. 2. Such incorporated companies shall be formed and organized in the same manner as required by section one, of the chapter to which this act is amendatory; and the provisions of said chapter, and all acts amendatory thereto, shall apply to such incorporated company as far as the same are applicable; and such incorporated companies shall be invested with and entitled to the same powers, rights and privileges as any other companies which have been or may be incorporated under such chapter, or any of the acts amendatory thereto.

SEC. 3. Any company formed and organized under the provisions of this act, may continue in existence for the period of thirty years.

SEC. 4. That the said company may commence business as soon as its capital stock shall be fully subscribed,

and that the same may be issued in whole or in part, for the purchase of real estate and other property within this territory, and the said company may create and issue its bonds or obligations secured by mortgage upon its property and franchises, or otherwise, and dispose of the same upon such terms as to the company may seem advantageous, and may make the principal and interest thereof payable at any or all of the offices of the company, and may exchange any portion of the lands or property for such bonds, after the same have been duly issued.

(Signed,) GEORGE W. MILLER,
Speaker of the House of Representatives.

(Signed,) GEORGE A. HINSDALE,
President of the Council.

We hereby certify, that we have examined the enrollment of the within bill, and find the same correctly enrolled.

(Signed,) GEO. W. MANN,
Chairman House Committee.

(Signed,) WILLIAM M. ROWORTH,
Chairman Council Committee.

I certify, that an act amendatory of chapter eighteen of Revised Statutes, of which the within and foregoing is a correct enrollment, originated in the Legislative Council of Colorado Territory, during its eighth session, convened at Denver, January 3d, A. D. 1870.

(Signed,) A. O. PATTERSON,
Secretary of the Council.

Approved February 11th, 1870.

(Signed,) EDWARD M. McCOOK,
Governor.

Executive Office, Colorado Territory.

I hereby certify that the within and foregoing is a correct and true copy of the original bill now on file in this office.

JAS. B. THOMPSON,
Private Secretary to the Governor.

Given at Denver, Colorado Territory, February 12th, A. D. 1870.